

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Daniel Boothby

v.

Civil No. 10-cv-00424-JL

Erik Jorgensen, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **February 9, 2011.**

The Discovery Plan (document no. 19) is approved as submitted, with the following changes:

- Joinder by plaintiff - **April 1, 2011**
- Jury trial - **January, 2012**

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses: by Bettez - laches, spoliation, res judicata, collateral estoppel; by the other defendants - failure to mitigate, lack of subject matter jurisdiction.

The defendants will amend the following paragraphs of their Answer to clearly indicate its position with respect to the corresponding allegations. Responses that allegations "call for legal conclusion" will not suffice: ¶¶ 2, 8, 9, 26, 29, 30, 31, and 34.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should

expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: February 10, 2011

cc: Michael J. Sheehan, Esq.
Nancy J. Smith, Esq.
John A. Curran, Esq.